

UNITED STATES DISTRICT COURT
For the
DISTRICT OF WYOMING

**CHERISA APPLEHUNT, as next friend of)
A.A., a minor,)
Plaintiff,)
vs.) Civil Action No. 22-CV-138
WALGREEN COMPANY, INC., d/b/a)
WALGREENS, a Foreign Corporation)
Defendant.)**

JOINT PROPOSED STATEMENT OF THE CASE

The parties, by and thru their undersigned counsel submit the following agreed statement of the case:

Plaintiff's baby A.A., a premature baby, was given a prescription for Zantac for reflux at almost three months of age. Defendant Walgreens admits that it was negligent, and its negligence resulted in an overdose of the Zantac of nine to ten times the prescribed dose twice a day. Baby A.A. received the twice daily overdose for three weeks.

Known complications of Zantac are 1) constipation, and 2) drowsiness. Baby A.A. began having problems with constipation after taking the twice daily overdose. She also became lethargic, or drowsy, and was unable to stay awake to feed. Plaintiff, A.A.'s mother, recognized the changes in her newborn, and believed the baby was having a reaction to the Zantac. On October 12, 2016, she took the prescription bottle with her to the doctor, who immediately recognized the mistake in the prescription as filled and informed Plaintiff.

Plaintiff contends the twice daily overdose of Zantac for 20 days given to A.A. caused permanent injuries to her undeveloped intestines and nervous system, resulting in chronic severe constipation. As a result of these injuries, A.A. suffers pain and spends long periods of time

attempting to have a bowel movement, followed by diarrhea. Plaintiff contends that A.A. suffers embarrassment and emotional harm from the time spent attempting to have a bowel movement, from the pain, and from the uncontrolled diarrhea. Plaintiff has made claims for physical pain, emotional pain and suffering, and permanent physical injury. Plaintiff has made no claim for medical expenses, past or future, or any economic damages.

Defendant Walgreens has admitted that it is negligent.

Defendant Walgreens contends that its negligence is not a cause of any of the injuries that A.A. is claiming.

Defendant contends that Plaintiff failed to take reasonable steps under the circumstances to reduce A.A.'s injuries and damages.

Approved as to form:

/s/ *Diana Rhodes*

Counsel for Plaintiff

Counsel for Defendant